

H. Max Kelln
Partner
h.max.kelln@FaegreBD.com
Direct +1 317 237 1215

Faegre Baker Daniels LLP
300 North Meridian Street ▼ Suite 2500
Indianapolis ▼ Indiana 46204-1750
Main +1 317 237 0300
Fax +1 317 237 1000

November 6, 2019

Mr. Jay Schrader
Courtroom Deputy Clerk for
District Judge Joseph S. Van Bokkelen
5400 Federal Plaza, Suite 4200
Hammond, IN 46320

Re: *Adams et al. v Atlantic Richfield Company et al.*, No. 2:18-cv-00375-JVB-JEM
Alvarez et al. v. Atlantic Richfield Company et al., No. 2:17-cv-00414-JVB-JEM

Dear Mr. Shrader,

On behalf of Defendants U.S. Smelter and Lead Refinery, Inc., d/b/a U.S.S. Lead Refinery, Inc. (“U.S. Smelter”) and Mueller Industries, Inc., Mining Remedial Recovery Company, and Arava Natural Resources Company (the “U.S. Smelter Affiliates”), this is the status of each of the above-captioned cases in advance of the telephone conferences set for November 7, 2019 at 1:30 p.m. CST (in the *Adams* case) and 2 p.m CST (in the *Alvarez* case).

Adams

On December 21, 2018, the Court granted the Defendants’ unopposed motion for enlargement of time to respond to Plaintiffs’ complaint to thirty (30) days after the ruling on Plaintiffs’ Motion to Remand and the issue of jurisdiction is resolved. *Adams et al. v Atlantic Richfield Company et al.*, No. 2:18-cv-00375-JVB-JEM, Dkt. 69, Order. As a result, the deadline U.S. Smelter’s and the U.S. Smelter Affiliates’ deadline to file an answer or otherwise respond to Plaintiffs’ complaint has not yet expired.

Alvarez

On January 22, 2018, U.S. Smelter and the U.S. Smelter Affiliates filed a Motion to Dismiss pursuant to Rule 12(b)(6). *Alvarez et al. v. Atlantic Richfield Company et al.*, No. 2:17-cv-00414-JVB-JEM, Dkt. 49, U.S. Smelter’s and U.S. Smelter Affiliates’ Motion to Dismiss. On March 9, 2018, the Plaintiffs voluntarily dismissed without prejudice the U.S. Smelter Affiliates. Plaintiffs’ Notice of Voluntary Dismissal Without Prejudice, Dkt. 73. U.S. Smelter’s Motion to Dismiss was fully briefed on April 20, 2018. Dkt. 78, U.S. Smelter’s and U.S. Smelter and Affiliates’ Reply in Support of Motion to Dismiss. The Court has not yet ruled on U.S. Smelter’s motion to dismiss.

Mr. Jay Schrader

-2-

November 6, 2019

Respectfully submitted,



H. Max Kelln
Partner

H. Max Kelln, #30358-49
Kevin M. Toner, #11343-49
Julian E. Harrell, #30661-49
FAEGRE BAKER DANIELS LLP
300 North Meridian Street, Suite 2500
Indianapolis, IN 46204
Telephone: (317) 237-1215
Max.Kelln@FaegreBD.com

*Attorneys for U.S. Smelter and U.S. Smelter
Affiliates*

·
HMKELLN

CC: Counsel of records via ECF.